

CRIMINAL COMPLAINT  
(Electronically Submitted)

United States District Court	DISTRICT of ARIZONA
United States of America v. <b>Lucinda Luz</b> ; DOB: 1976; United States	DOCKET NO.  MAGISTRATE'S CASE NO. <b>23-00725MJ</b>

Complaint for violation of Title 8 United States Code § 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i).

**COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:**

On or about October 3, 2023, in the District of Arizona, **Lucinda Luz**, knowing or in reckless disregard that certain aliens, including Luis Fernando Gatica-Garcia and Melecio Bautista-Tolentino, had come to, entered, and remained in the United States in violation of law, did transport and move said aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law and did so for the purpose of private financial gain; in violation of **Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i)**.

**BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:**


On or about October 3, 2023, in the District of Arizona (Sells), a United States Border Patrol Agent (BPA) responded to a Tohono O'odham Police Department (TOPD) officer's request for assistance of a possible alien smuggling load. The officer stated that he had pulled over a 2005 Buick Lacrosse for a failure to stop at a stop sign and suspected the three passengers to be Undocumented Non-Citizens (UNCs). The driver was identified as **Lucinda Luz**. **Luz** stated that she was just giving the people a ride to Ajo, Arizona. The three passengers including Luis Fernando Gatica-Garcia and Melecio Bautista-Tolentino were determined to be Mexican citizens illegally present in the United States.

Records checks revealed that Luis Fernando Gatica-Garcia and Melecio Bautista-Tolentino did not have the proper immigration documentation to enter or remain in the U.S. legally.

Material witness Luis Fernando Gatica-Garcia stated that he is a citizen of Mexico and had arranged to be smuggled into the United States for money. Gatica crossed the International Boundary Fence (IBF) with two other people in addition to a foot guide. The guide led them through the desert to a house where they stayed for two days. A woman driving a silver four-door sedan later arrived, and the group got into the car. The driver attempted to speak to them, but they did not understand English. Gatica said they drove for approximately 15 minutes before a police officer pulled them over. When shown a photo lineup, Gatica was able to positively identify **Luz** as the driver.

**Continued on the next page:**

MATERIAL WITNESSES IN RELATION TO THE CHARGE: Luis Fernando Gatica-Garcia and Melecio Bautista-Tolentino

Detention Requested	SIGNATURE OF COMPLAINANT 
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	OFFICIAL TITLE Border Patrol Agent

Sworn by telephone   x  

SIGNATURE OF MAGISTRATE JUDGE <sup>(1)</sup> 	DATE October 4, 2023
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<sup>(1)</sup> See Federal rules of Criminal Procedure Rules 3, 44, and 54  
Reviewing AUSA: Enderle

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Material witness Melecio Bautista-Tolentino stated that he is a citizen of Mexico and had arranged to be smuggled into the United States for \$10,500 USD. Bautista crossed the IBF with three other people with one person acting as a foot guide. They walked through the desert for about a day and arrived at a house. A caretaker instructed the group to get into a room in the house. The caretaker later told Bautista and his companions to enter a gray four-door sedan. After driving for about 11 minutes, they were pulled over by local police and Border Patrol arrived a short time later. When shown a photo lineup, Bautista was able to positively identify **Luz** as the driver.

In a post-*Miranda* statement, **Luz** stated that she was driving her daughter's car without her knowing what she was doing. Her daughter was in school in Tucson, Arizona and she had let her mother borrow her car to go to the stores and then to return home.